

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

THE NEW YORK TIMES COMPANY,

Plaintiff,

v.

MICROSOFT CORPORATION, OPENAI,
INC., OPENAI LP, OPENAI GP, LLC,
OPENAI, LLC, OPENAI OPCO LLC,
OPENAI GLOBAL LLC, OAI
CORPORATION, LLC, and OPENAI
HOLDINGS, LLC,

Defendants.

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: No. 1:23-cv-11195-SHS-OTW

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DAILY NEWS, LP; CHICAGO TRIBUNE
COMPANY, LLC; ORLANDO SENTINEL
COMMUNICATIONS COMPANY, LLC;
SUN-SENTINEL COMPANY, LLC; SAN
JOSE MERCURY-NEWS, LLC; DP MEDIA
NETWORK, LLC; ORB PUBLISHING,
LLC; AND NORTHWEST
PUBLICATIONS, LLC,

Plaintiffs,

v.

MICROSOFT CORPORATION, OPENAI,
INC., OPENAI LP, OPENAI GP, LLC,
OPENAI, LLC, OPENAI OPCO LLC,
OPENAI GLOBAL LLC, OAI
CORPORATION, LLC, OPENAI
HOLDINGS, LLC,

Defendants.

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: No. 1:24-cv-03285-SHS-OTW

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THE CENTER FOR INVESTIGATIVE
REPORTING, INC.,

Plaintiff,

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: No. 1:24-cv-04872-SHS

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v.	:
OPENAI, INC., OPENAI GP, LLC,	:
OPENAI, LLC, OPENAI OPCO LLC,	:
OPENAI GLOBAL LLC, OAI	:
CORPORATION, LLC, OPENAI	:
HOLDINGS, LLC, and MICROSOFT	:
CORPORATION,	:
Defendants.	:
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OPENAI DEFENDANTS' MOTION FOR LEAVE TO FILE UNDER SEAL

Pursuant to Section IV of this Court's Individual Practices in Civil Cases, Defendants OpenAI, Inc., OpenAI LP, OpenAI GP, LLC, OpenAI LLC, OpenAI OpCo LLC, OpenAI Global LLC, OAI Corporation LLC, and OpenAI Holdings, LLC (collectively, "OpenAI") seek leave to file under seal the following types of information: (i) metrics related to ChatGPT usage and (ii) technical information related to OpenAI's products, services and/or operation.

The following documents contain metrics related to ChatGPT usage:

- Limited portions of OpenAI Defendants' Opposition to the News Plaintiffs' Letter Motion to Compel OpenAI to Preserve Output Log Data on a Going-Forward Basis;
- Limited portions of the Declaration of Michael Trinh in Support of OpenAI Defendants' Opposition to the News Plaintiffs' Letter Motion to Compel OpenAI to Preserve Output Log Data on a Going-Forward Basis ("Trinh Decl.");
- Limited portions of Exhibit A to the Declaration of Joseph Gratz in Support of OpenAI Defendants' Opposition to the News Plaintiffs' Letter Motion to Compel OpenAI to Preserve Output Log Data on a Going-Forward Basis, comprising correspondence between counsel for OpenAI Defendants and the News Plaintiffs concerning the retention of ChatGPT user conversation data;

The following documents contain technical information related to OpenAI's products, services and/or operation:

- Limited portions of OpenAI Defendants' Opposition to the News Plaintiffs' Letter Motion to Compel OpenAI to Preserve Output Log Data on a Going-Forward Basis;
- Limited portions of the Declaration of Michael Trinh in Support of OpenAI Defendants' Opposition to the News Plaintiffs' Letter Motion to Compel OpenAI to Preserve Output Log Data on a Going-Forward Basis ("Trinh Decl.");

- Limited portions of Exhibit 3 to Plaintiff New York Times's Letter Motion to Compel OpenAI to Produce Categories of Documents (ECF 398-3), comprising correspondence between counsel for Plaintiff and OpenAI Defendants concerning OpenAI's Responses and Objections to Plaintiff's Requests for Production of Documents; and
- Limited portions of and Exhibit 14 to the News Plaintiffs' Motion to Compel OpenAI to Preserve Output Log Data on a Going-Forward Basis (ECF 379-15), comprising correspondence between counsel for Plaintiff and OpenAI Defendants concerning the preservation of user conversation data.

For the reasons stated in OpenAI's accompanying memorandum of law, which is also submitted in support of OpenAI's Response to The Times's Motion for Leave to File Under Seal (ECF 399), OpenAI respectfully requests the Court grant its motion for leave to file under seal.

Dated: January 16, 2025

MORRISON & FOERSTER LLP

By: /s/ Joseph C. Gratz

Joseph C. Gratz (*pro hac vice*)

JGratz@mofo.com

Andrew L. Perito (*pro hac vice*)

APerito@mofo.com

425 Market Street

San Francisco, CA 94105-2482

Telephone: 415.268.7000

Facsimile: 415.268.7522

Rose S. Lee (*pro hac vice*)

RoseLee@mofo.com

707 Wilshire Boulevard

Los Angeles, California 90017-3543

Telephone: 213.892.5200

Facsimile: 213. 892.5454

Jocelyn E. Greer

JGreer@mofo.com

Emily C. Wood

EWood@mofo.com

Eric K. Nikolaides

ENikolaides@mofo.com

250 W. 55th Street

New York, NY 10019-9601

Telephone: 212.468.8000

Facsimile: 212.468.7900

Carolyn M. Homer (*pro hac vice*)

CHomer@mofo.com

2100 L Street, NW

Suite 900

Washington, DC 20037

Telephone: 202.887.1500

Facsimile: 202.887.0763

Attorneys for Defendants

OPENAI, INC., OPENAI LP, OPENAI

GP, LLC, OPENAI, LLC, OPENAI

OPCO LLC, OPENAI GLOBAL LLC,

OAI CORPORATION, LLC, and

OPENAI HOLDINGS, LLC

Dated: January 16, 2025

LATHAM & WATKINS LLP

By: /s/ Elana Nightingale Dawson

Andrew Gass (*pro hac vice*)
andrew.gass@lw.com
Joseph R. Wetzel (*pro hac vice*)
joe.wetzel@lw.com
505 Montgomery Street, Suite 2000
San Francisco, CA 94111
Telephone: (415) 391-0600
Facsimile: (415) 395-8095

Sarang Damle
sy.damle@lw.com
Elana Nightingale Dawson (*pro hac vice*)
elana.nightingaledawson@lw.com
555 Eleventh Street NW
Suite 100
Washington, DC 20004
Telephone: (202) 637-2200
Facsimile: (202) 637-2201

Allison Levine Stillman
alli.stillman@lw.com
Herman H. Yue
herman.yue@lw.com
Michael A. David
michael.david@lw.com
Rachel Renee Blitzer
rachel.blitzer@lw.com
Luke Budiardjo
luke.budiardjo@lw.com
1271 Avenue of the Americas
New York, NY 10020
Telephone: (212) 906-1200
Facsimile: (212) 751-4864

Attorneys for Defendants
OPENAI, INC., OPENAI LP, OPENAI
GP, LLC, OPENAI, LLC, OPENAI
OPCO LLC, OPENAI GLOBAL LLC,
OAI CORPORATION, LLC, and
OPENAI HOLDINGS, LLC

Dated: January 16, 2025

KEKER, VAN NEST & PETERS LLP

By: /s/ Christopher S. Sun

Robert A. Van Nest (*pro hac vice*)
RVanNest@keker.com
R. James Slaughter (*pro hac vice*)
RSlaughter@keker.com
Paven Malhotra
PMalhotra@keker.com
Michelle S. Ybarra (*pro hac vice*)
MYbarra@keker.com
Nicholas S. Goldberg (*pro hac vice*)
NGoldberg@keker.com
Thomas E. Gorman (*pro hac vice*)
TGorman@keker.com
Katie Lynn Joyce (*pro hac vice*)
KJoyce@keker.com
Christopher S. Sun (*pro hac vice*)
CSun@keker.com
Andrew S. Bruns (*pro hac vice*)
ABruns@keker.com
Andrew Dawson (*pro hac vice*)
ADawson@keker.com
Edward A. Bayley (*pro hac vice*)
EBayley@keker.com
Sarah Salomon (*pro hac vice*)
ssalomon@keker.com
633 Battery Street
San Francisco, California 94111-1809
Telephone: (415) 391-5400
Facsimile: (415) 397-7188

Attorneys for Defendants
OPENAI, INC., OPENAI LP, OPENAI
GP, LLC, OPENAI, LLC, OPENAI
OPCO LLC, OPENAI GLOBAL LLC,
OAI CORPORATION, LLC, and
OPENAI HOLDINGS, LLC